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U.S. Patent No. 6,730,507 B1
Serial No. 09/286,874
Docket No. 10509-024 (old: AdVec9)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: Frank L. Graham, Robin Parks **Examiner:** J. T. Woitach

Patent No.: 6,730,507 B1 **Issued:** May 4, 2004

Serial No.: 09/286,874 **Art Unit:** 1632

Filed: April 6, 1999

For: **USE OF HELPER-DEPENDENT ADENOVIRAL VECTORS OF
ALTERNATIVE SEROTYPES PERMITS REPEAT VECTOR
ADMINISTRATION**

Certificate of Corrections Branch
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Certificate
OCT 29 2004
of Correction

**TRANSMITTAL LETTER FOR REQUESTING A CERTIFICATE OF
CORRECTION UNDER 37 CFR 1.322**

Sir or Madam:

Patentee respectfully requests correction explained herein.

In the Final Office action mailed 05/05/2003, Examiner Woitach stated that "the applications upon which priority is claimed fails [sic] to provide adequate support under 35 U.S.C. 112 for the claimed invention of this application." (page 3, bottom) The Examiner concluded that the priority for the pending claims is April 6, 1999, the filing date of the above-referenced present application (page 4, top).

In the Applicant's Response after Final (mailed 09/05/2003, received 09/08/2003), Applicant amended the specification by removing the paragraph claiming priority to prior applications, and also removed the heading for that paragraph. Applicant also noted that there was no bibliographic data sheet, which in the Final Office action the Examiner had indicated also should be updated.

On page 2 of the Detailed Action of the Notice of Allowability (mailed 11/19/2003 with the Notice of Allowance), the Examiner stated that, "Applicants' after final amendment filed September 8, 2003 has been received and entered. The specification has been

amended.”

Based on this entering of the amendment, the patent should not have issued with the first paragraph providing a listing of prior applications, nor the heading “CROSS-REFERENCES TO RELATED APPLICATIONS,” because these applications were no longer being claimed for priority purposes. Also, item 63 on the cover page, and its heading, “Related U.S. Application Data,” should have been omitted for the same reason, because there was no longer a priority claim to previously filed applications under 35 USC 119 or 120.

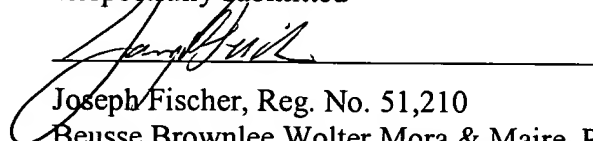
As indicated by the Examiner, no priority claim was allowed, so the effective filing date is the filing date of U.S. application serial number 09/286,874, which was April 6, 1999. The patent term properly is determined from that date.

Accordingly, it is respectfully requested that on the cover page of U.S. 6,730,507 the heading “Related U.S. Application Data” and the paragraph immediately below this heading (i.e., paragraph “(63)”) are deleted, and the heading and paragraph from line 6 to line 24 of column 1 are also deleted. This will serve to correct the patent in accordance with the above.

It is believed that a further error in the Notice of Allowability (mailed 11/19/2003 with the Notice of Allowance) is the inclusion of the first two paragraphs on page 2. This contradicts the entry of the amendment, the latter being in concordance with the Examiner’s previous statements of the Final office action as to priority claims (see above).

Applicant provides a completed Form PTO/SB/44 indicating the errors to be corrected on the issued Patent. In summary, Applicant respectfully requests these corrections, indicated above, to properly indicate what the Examiner concluded, that the application has an effective filing date of April 6, 1999. The patent term appropriately is calculated from this date. Accordingly, the presence of the paragraphs indicating priority to previously filed applications is incorrect.

Respectfully submitted


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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with first-class postage affixed thereto on the date indicated below and is addressed to: Commissioner for patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Grayce Lichtenberger
Name of person mailing paper

Grayce Lichtenberger
Signature

Oct. 20, 2004
Date

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,730,507 *B1*
DATED : May 4, 2004
INVENTOR(S) : Frank L. Graham and Robin Parks

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below.

Delete Item 63, and the heading above it, from the Title Page.

Delete the heading and paragraph from line 6 to line 24 of column 1.

MAILING ADDRESS OF SENDER:

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PATENT NO. 6,730,507

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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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